HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.632 of 2007

Between:

P. Damodar

. . . Appellant

AND

The Commissioner of Land Reforms and
Urban Land Ceiling, Hyderabad and another

. . .Respondents

:: JUDGMENT ::

Counsel for the appellant: Shri Kasa Jaganmohan Reddy

Counsel for the respondents: Government Pleader for Revenue

August 13, 2007

-

Per G.S. Singhvi, CJ

This is an appeal for setting aside order dated 24.6.2004 passed by the learned Single Judge in Writ Petition No.11095 of 1994 whereby he dismissed the writ petition filed by the appellant and three others by recording the following order:

> "This matter had come up on two occasions earlier and at the instance of the petitioners' counsel, the matter was adjourned. In spite of the same, none appeared and no representation.
>
> Therefore, this Writ Petition is accordingly dismissed. No costs."

Shri Kasa Jaganmohan Reddy, learned counsel for the appellant argued that dismissal of the writ petition only on the ground of non-appearance of the counsel should be set aside, else, the appellant will suffer irreparable injury. He emphasized that the appellant is an illiterate person and is not aware of the intricacies of the procedures of Court and argued that he should not be made to suffer on account of the fault of the advocate.

Learned Government Pleader for Revenue fairly stated that the respondents will have no objection if the order under challenge is set aside and the case is remanded to the learned Single Judge for adjudication of the writ petition on merits.

We appreciate the fair stand taken by the learned Government Pleader. Even otherwise, we are convinced that the learned Single Judge ought not to have non-suited the appellant simply because his advocate did not appear on the date of hearing.

With the above observations, the appeal is allowed. The order of the learned Single Judge is set aside insofar as the appellant is

concerned and Writ Petition No.11095 of 1994 is remanded to the Single Bench for fresh adjudication insofar as it relates to the appellant.

As a sequel to allowing the appeal, WAMP No.1276 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

August 13, 2007

C.V. NAGARJUNA REDDY, J

svs